Kelley v. Microsoft Corporation Doc. 41 Att. 3

EXHIBIT C

AUG-07-07 11:32AM FROM-G

FROM-Gordon Tilden Thomas & Cordell LLP

206-467-6292

T-356 P.002/002 F-674

GORDON TILDEN THOMAS & CORDELL LLP

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August 7, 2007

Sent via Facsimile & U.S. Mail

Stephen M. Rummage Cassandra L. Kinkead Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101-3045

Re: Kelley, Hansen v. Microsoft

Dear Steve and Cassie:

We received Cassie's email last week with an attached proposed stipulated protective order prepared by Microsoft. We do not believe agreeing to be bound to a blanket protective order comports with our obligations as counsel in a putative class action seeking to obtain redress for alleged consumer protection violations. The proposed order also is extremely broad and complicated. We are open to considering a simpler, narrowly-tailored protective order; however, as a general operating principle, we view blanket protective orders with skepticism given the recent court decisions and the frustrations such orders create for counsel and courts in attempting to comply with them. We would prefer to address any issues regarding production of what Microsoft deems a "sensitive" document on a case-by-case basis.

Cordially,

Mark A. Wilner

MAW:il

cc:

Jeffrey I. Tilden
Jeffrey M. Thomas
Michael Rosenberger
William C. Smart
Ian S. Birk